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VIA ECF

The Honorable Joseph F. Bianco
Visiting Circuit Judge (sitting by designation in below referenced matter)
U.S. Court of Appeals for the Second Circuit
100 Federal Plaza
Central Islip, New York 11722

Re: **United States of America v. Kenner, Cr. No. 13-607 (JFB)**

Dear Judge Bianco,

We write on behalf of Danske Bank A/S London Branch ("Danske") to address the government's October 29, 2020 letter in which it mischaracterizes Danske's October 28, 2020 letter as a purported "improper attempt to assert new arguments for the first time." Danske submitted its October 28, 2020 letter to correct an inaccurate statement submitted in support of the government's reply brief, *see* Dkt. No. 937-2 (Affidavit of Matthew Galimoto), and to provide the Court with an additional case directly relevant to an argument raised in the government's reply brief and to the government's citation to inapplicable cases that Danske did not provide "valuable consideration." Dkt. No. 937 at 8. Neither of these two points raised by Danske are new arguments raised for the first time and the government has neither stated nor shown any prejudice from Danske's submission. There is, accordingly, no basis to strike Danske's letter or to decline to consider Danske's correction of the record.

Respectfully,

/s/ George Kostolampros

George Kostolampros
Doreen S. Martin
Xochitl S. Strohhahn

cc: All parties of record via ECF